

Message Text

UNCLASSIFIED

PAGE 01 CAIRO 18795 01 OF 02 111729Z
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UNCLAS SECTION 01 OF 02 CAIRO 18795

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E.O. 11652: N/A
TAGS: SCUL
SUBJECT: BROOKLYN MUSEUM EXHIBITION OF NUBIAN ART

REF: CAIRO 18117

1. ALTHOUGH AMBASSADOR WAS PREPARED TO SEND LETTER TO MINISTER OF CULTURE ALONG LINES STATED REFTEL, IT IS NOW CLEAR THAT IN CASES INVOLVING MAJOR LOANS OF EGYPTIAN ANTIQUITIES ABROAD, MINISTRY OF CULTURE POLICY REQUIRES FORMAL AGREEMENT WITH HOSTING COUNTRY, EVEN THOUGH EXHIBITIONS ARE UNDER AUSPICES OF PRIVATE INSTITUTIONS. MINISTRY OF CULTURE RECALLS THAT TUTANKHAMEN EXHIBITION WAS INITIALLY WORKED OUT THROUGH EXCHANGE OF NOTES ON OCTOBER 28, 1975 BETWEEN FORMER SECRETARY OF STATE KISSINGER AND EGYPTIAN DEPUTY PRIME MINISTER AND FOREIGN MINISTER ISMAIL FAHMY.

2. MINISTRY OF CULTURE RECENTLY SIGNED ANTIQUITIES LOAN AGREEMENTS WITH JAPAN, GERMANY, CANADA, AND THE NETHERLANDS, INVOLVING EXHIBITION CIRCUMSTANCES SIMILAR TO PROPOSED EXHIBITION AT BROOKLYN MUSEUM. MINISTRY'S LANGUAGE, HOWEVER, INVOLVES FINANCIAL AND ARBITRATION CONDITIONS THAT NO DOUBT WOULD POSE SERIOUS PROBLEMS
UNCLASSIFIED

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PAGE 02 CAIRO 18795 01 OF 02 111729Z

AND DELAYS.

3. BASED ON TUTANKHAMEN PRECEDENT, EMBASSY BELIEVES MOST EXPEDITIOUS PROCEDURE, GIVEN TIME CONSTRAINTS, IS AN EXCHANGE OF NOTES BETWEEN AMBASSADOR AND MINISTER OF CULTURE ALONG LINES FOLLOWED FOR TUTANKHAMEN EXHIBITION.

4. PROPOSED TEXT FOLLOWS.

QUOTE: I HAVE THE HONOR TO REFER TO ARTICLE II (C) OF THE CULTURAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ARAB REPUBLIC OF EGYPT, SIGNED ON MAY 21, 1962, WHICH ENCOURAGES THE EXCHANGE OF ART OBJECTS AND THE HOLDING OF EXHIBITIONS, AND TO PROPOSE THE FOLLOWING:

(1) THREE MUSEUMS IN THE UNITED STATES, NAMELY THE BROOKLYN MUSEUM, THE SEATTLE ART MUSEUM, SEATTLE, WASHINGTON, AND THE ORLEANS MUSEUM OF ART, NEW ORLEANS, LOUISIANA, PLAN TO HOLD A SERIES OF EXHIBITIONS ENTITLED "AFRICA IN ANTIQUITY: THE ARTS OF ANCIENT NUBIA AND THE SUDAN". THE FIRST OF THESE EXHIBITIONS WILL BEGIN IN SEPTEMBER, 1978.

(2) CERTAIN NUBIAN OBJECTS NOW BELONGING TO THE CAIRO MUSEUM WILL BE MADE AVAILABLE BY THE CAIRO MUSEUM FOR THESE EXHIBITIONS. A TECHNICAL AGREEMENT WILL BE CONCLUDED BETWEEN THE CAIRO MUSEUM AND THE BROOKLYN MUSEUM WHICH WILL, AMONG OTHER THINGS, INCLUDE A LIST OF THE OBJECTS TO BE MADE AVAILABLE FOR EXHIBITIONS.

(3) THE BROOKLYN MUSEUM, BROOKLYN, NEW YORK, WILL ACT AS AGENT ON BEHALF OF THE THREE PARTICIPATING UNITED STATES MUSEUMS WHERE THE EXHIBITIONS ARE TO BE SHOWN.

(4) THE TECHNICAL AGREEMENT BETWEEN THE CAIRO MUSEUM AND THE BROOKLYN MUSEUM, ALREADY REFERRED TO ABOVE, WILL ALSO INCLUDE THE INDIVIDUAL VALUATIONS OF THE ITEMS

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 CAIRO 18795 01 OF 02 111729Z

THAT ARE TO BE EXHIBITED. THESE VALUATIONS ARE NOT TO BE SUBJECT TO ALTERATION OR MODIFICATION EXCEPT WITH THE EXPRESS, WRITTEN CONSENT OF THE CAIRO MUSEUM AND THE BROOKLYN MUSEUM. THE TECHNICAL AGREEMENT WILL ALSO SET FORTH FINANCIAL ARRANGEMENTS AND ALL OTHER NECESSARY DETAILS CONCERNING THE EXHIBITION.

(5) THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WILL TAKE THE NECESSARY MEASURES TO AUTHORIZE A SERIES OF EXHIBITIONS IN THE UNITED STATES OF THE NUBIAN OBJECTS REFERRED TO ABOVE.

(6) THE OBJECTS TO BE EXHIBITED FROM THE CAIRO MUSEUM SHALL BE FURNISHED BY THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, AS A LOAN, SOLELY FOR THE PURPOSE OF THE EXHIBITIONS. THE GOVERNMENT OF THE UNITED STATES, FOR ITS PART, UNDERTAKES, CONSISTENT WITH THE LAWS OF THE UNITED STATES (A) TO RESPECT THE RIGHTS OF THE CAIRO MUSEUM AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT IN THE OBJECTS TO BE EXHIBITED AND (B) TO PROTECT THESE OBJECTS AGAINST ANY FORM OF SEQUESTRATION, SEIZURE, OR ANY FORM OF JUDICIAL PROCESS AFFECTING THE RIGHTS OF THE CAIRO MUSEUM OR THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, WHETHER ON THE PART

OF ANOTHER GOVERNMENT OR AN INDIVIDUAL OR AN ORGANIZATION. THE LAW ENFORCEMENT AGENCIES IN THE UNITED STATES WILL BE RESPONSIBLE FOR TAKING APPROPRIATE MEASURES FOR THE PHYSICAL SECURITY AND PROTECTION OF THE OBJECTS, FROM THE TIME OF THEIR ARRIVAL IN THE UNITED STATES UNTIL THE TIME OF THEIR DEPARTURE FROM THE UNITED

UNCLASSIFIED

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PAGE 01 CAIRO 18795 02 OF 02 111730Z
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INFO OCT-01 NEA-10 ISO-00 L-03 SSO-00 /014 W

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UNCLAS SECTION 02 OF 02 CAIRO 18795

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STATES UNDER THE TECHNICAL AGREEMENT BETWEEN THE BROOKLYN MUSEUM AND THE CAIRO MUSEUM. IT IS UNDERSTOOD, HOWEVER, THAT THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WILL LOOK EXCLUSIVELY TO THE INSURANCE REFERRED TO IN PARAGRAPH 8 BELOW TO SATISFY ANY FINANCIAL RESPONSIBILITY ARISING FOR LOSS OR DAMAGE IN CONNECTION WITH THE EXHIBITIONS IN THE UNITED STATES.

(7) IT IS ENVISAGED THAT THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL NOT BE CHARGED BY THE BROOKLYN MUSEUM OR THE OTHER PARTICIPATING MUSEUMS WITH ANY EXPENSES OR HAVE ANY FINANCIAL OBLIGATIONS OF ANY SORT TOWARD THEM IN CONNECTION WITH THE EXHIBITIONS. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT AND THE CAIRO MUSEUM SHALL NOT BE SUBJECT TO ANY CUSTOMS DUTIES, TAXES, OR OTHER CHARGES BY THE GOVERNMENT OF THE UNITED STATES IN CONNECTION WITH THE ENTRY OR DEPARTURE OF THE OBJECTS IN THE EXHIBITIONS.

(8) THE TECHNICAL AGREEMENT BETWEEN THE CAIRO MUSEUM AND THE BROOKLYN MUSEUM IS EXPECTED TO PROVIDE FOR THE INSURANCE OF THE OBJECTS FROM THE TIME OF THE DEPARTURE OF THE OBJECTS FROM THE CAIRO MUSEUM TO THE TIME OF THEIR ARRIVAL AT THE NEXT AGREED UPON EXHIBITION SITE OUTSIDE THE UNITED STATES. INSURANCE IS EXPECTED TO

BE PROVIDED AT NO COST TO THE GOVERNMENT OF THE ARAB
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CAIRO 18795 02 OF 02 111730Z

REPUBLIC OF EGYPT OR THE CAIRO MUSEUM, AND APPROPRIATE
CERTIFICATION OF SUCH COVERAGE IS EXPECTED TO BE
PROVIDED TO THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT
BY THE BROOKLYN MUSEUM BEFORE THE REMOVAL OF THE OBJECTS
FROM THE CAIRO MUSEUM. -

(9) FURTHER PARTICULARS RELATING TO THE HOLDING OF THE
EXHIBITIONS SUCH AS THOSE RELATING TO PACKING, UNPACKING
AND TRANSPORT OF THE OBJECTS TO BE EXHIBITED, THE
PARTICIPATION OF REPRESENTATIVES OF THE CAIRO MUSEUM,
THE PRODUCTION OF ANY REPRESENTATION OR COPY OF ANY OF THE
OBJECTS TO BE EXHIBITED, TOGETHER WITH ANY OTHER MATTERS,
MAY BE THE SUBJECT OF PROVISIONS TO BE MADE BETWEEN THE
CAIRO MUSEUM AND THE BROOKLYN MUSEUM.

- IF THESE ARRANGEMENTS AND UNDERSTANDINGS ARE
ACCEPTABLE TO THE GOVERNMENT OF THE ARAB REPUBLIC OF
EGYPT, I HAVE THE HONOR TO PROPOSE THIS NOTE AND YOUR
EXCELLENCY'S REPLY TO THAT EFFECT SHALL CONSTITUTE AN
AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF THE ARAB REPUBLIC OF
EGYPT, WHICH SHALL ENTER INTO FORCE ON THE DATE OF
YOUR EXCELLENCY'S REPLY. UNQUOTE.

5. PLEASE ADVISE ASAP WHETHER AMBASSADOR MAY BE
AUTHORIZED SEND ABOVE NOTE AND/OR ANY CHANGES THE
DEPARTMENT WISHES TO MAKE IN DRAFT TEXT. WISH AGAIN
FLAG DEPARTMENT'S ATTENTION TO FACT THAT OUR PROPOSED
NOTE IS LESS THAN AGREEMENTS WORKED BY GOE WITH OTHER
GOVERNMENTS FOR CULTURAL EXHIBITIONS AND WE CANNOT BE
SURE THAT MINISTER OF CULTURE EL-SAWI WILL ACCEPT
IT IN ITS PRESENT FORM. IF AUTHORIZED TO SEND THIS
NOTE, WE WOULD POINT OUT IT IS BASED ON PRECEDENTIAL
ARRANGEMENTS WORKED OUT BETWEEN THE TWO GOVERNMENTS
UNCLASSIFIED

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PAGE 03 CAIRO 18795 02 OF 02 111730Z

PRIOR TO THE SUCCESSFUL TUTANKHAMEN EXHIBITIONS IN
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